UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

DEC 18 2014

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-133

CERTIFIED MAIL RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Mr. Robert Pinedo
Atlantic Aviation
7527 NE Airport Way
Portland, Oregon 97218

Re: Atlantic Aviation - PDX
Spill Prevention Control and Countermeasure (SPCC) Inspection

Dear Mr. Pinedo:

On March 25, 2014, representatives of the U.S. Environmental Protection Agency ("EPA") inspected Atlantic Aviation ("Facility") located in Portland, Oregon. It is our understanding that you are the owner and/or operator of this facility. The purpose of this letter is to notify you that the EPA may impose a civil penalty for your failure to implement the requirements of the Oil Pollution Prevention regulations found at 40 C.F.R. Part 112. Pursuant to the federal Oil Pollution Prevention regulations, the Facility must have a certified Spill Prevention, Control and Countermeasure ("SPCC") plan in accordance with the requirements of 40 C.F.R. § 112.7 and 40 C.F.R. § 112.3(a), must maintain a copy of the plan on site (40 C.F.R. § 112.3(e)), and must fully implement the plan (40 C.F.R. § 112.3(a)). A summary of deficiency findings of the Oil Pollution Prevention regulations found at your facility is enclosed with this notice.

Atlantic Aviation is required to respond in writing to the enclosed findings within thirty (30) days of receipt of this letter. In addition, if an updated SPCC plan has been prepared, please include it along with your correspondence. The request for information in this letter is made under the authority of Sections 308 and 311(m) of the Clean Water Act ("CWA"), 33 U.S.C. §§ 1318 and 1321(m). In accordance with the provisions of 40 C.F.R. § 2.203, you may assert a business confidentiality claim covering part or all of the information submitted by clearly identifying it as "confidential." If no such claim accompanies the information when it is received by the EPA, it may be made available to the public without further notice.

As stated above, failure to comply with the SPCC requirements may subject you to a substantial civil penalty for each day of violation pursuant to Section 311(b)(6)(B)(ii) of the CWA, 33 U.S.C. § 1321(b)(6)(B)(ii) and 40 C.F.R. Part 19. Although it may not prevent the EPA from seeking a penalty for past violations, prompt compliance will be taken into account in determining the appropriate enforcement response.

In order to help you with your spill prevention work and for current changes to the rule, please visit EPA's Oil Spill site at http://www.epa.gov/emergencies/content/spcc/. The EPA reserves the right to revisit your facility at some time in the future. Any questions regarding this matter should be directed to Kate Spaulding, EPA Region 10 SPCC Enforcement Officer, at (206) 553-5429.

Sincerely,

Edward J. Kowalski
Director

Enclosure

cc w/enc: Mr. Mike Zollitsch
Oregon Department of Environmental Quality

EPA/FACILITY INSPECTION REVIEW Atlantic Aviation - PDX Portland, Oregon 97218			
SPCC RULE REFERENCE	**PLAN**	**FIELD**	**INSPECTION DEFICIENCY DESCRIPTION (3/25/2014)**
112.8(b) Facility Drainage from Undiked Areas **(3)&(4)**		X	Drainage from undiked areas with a potential for discharge designed to flow into ponds, lagoons, or catchment basins to retain oil or return it to facility. Catchment basin located away from flood areas. If facility drainage not engineered as in (b)(3) (i.e., drainage flows into ponds, lagoons, or catchment basins) then the facility is equipped with a diversion system to retain oil in the facility in the event of an uncontrolled discharge. ***"Drainage from undiked area (loading area) can drain to tarmac. A drain is located on the tarmac. The facility's plan requires a drain valve to be closed in the event of an oil release (general containment/active measure). Drains at Tanks 1, 2, and 3 lead directly to McBride Slough waterway. The December 24, 2013 spill of approximately 300 gallons of jet fuel impacted McBride Slough. Note: Atlantic Aviation is installing "Safe Drain" devices at the Tank 1, 2, and 3 area which will allow drains to be closed during fuel transfer operations. The Port Airport is currently planning drainage improvements."***
112.8(c) Bulk Storage Containers **(2)**		X	Except for mobile refuelers and other non-transportation-related tank trucks, construct all bulk storage tank installations with secondary containment to hold capacity of largest container and sufficient freeboard for precipitation. ***"Tanks 1, 2, and 3 are double walled, but tank did NOT have a working flow restrictor: it failed leading to the 12/24/2013 fuel release."***
(6)		X	• Test or inspect each aboveground container for integrity on a regular schedule and whenever you make material repairs. Techniques include, but are not limited to: visual inspection, hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or other system of non-destructive testing; • Appropriate qualifications for personnel performing tests and inspections are identified in the Plan and have been assessed in accordance with industry standards; • The frequency and type of testing and inspections are documented, are in accordance with industry standards and take into account the container size, configuration and design; • Comparison records of aboveground container integrity testing are maintained. ***"Integrity Testing Standard identified in the Plan: Tank #1, 2, and 3 - SP001-003, mobile trucks - ATA-103 (Airline Transportation Association standard). There are no records of non-destructive testing by SP001 or equivalent as required by the plan."***
(8)		X	Each container is equipped with at least one of the following for liquid level sensing: • High liquid level alarms with an audible or visual signal at a

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SPCC RULE REFERENCE	**PLAN**	**FIELD**	**INSPECTION DEFICIENCY DESCRIPTION (3/25/2014)**
			constantly attended operation or surveillance station, or audible air vent in smaller facilities; • High liquid level pump cutoff devices set to stop flow at a predetermined container content level; • Direct audible or code signal communication between container gauger and pumping station; • Fast response system for determining liquid level (such as digital computers, telepulse, or direct vision gauges) and a person present to monitor gauges and overall filling of bulk containers; or • Regularly test liquid level sensing devices to ensure proper operation. ***"A high level cut-off switch failed during the December 24, 2013 spill."***